

Application No. 09/818,171  
Amendment dated September 16, 2005  
Reply to Final Office Action of May 18, 2005

Docket No. 1232-4692

### **REMARKS**

Applicant respectfully requests reconsideration of this application in view of the foregoing amendment and following remarks.

#### **Status of the Claims**

Claims 1-23 are pending in this application. Claims 1, 12 and 22 are independent. All of the pending claims stand rejected.

By this amendment, independent claims 2-9, 13-19 and 23 are cancelled, and claims 1, 10-12 and 20-22 are amended. No new matter has been added by this amendment.

#### **Objections**

Claims 4, 5, 7-11, 14, 15, 17 and 20-23 have been objected to because of informalities.

The Examiner indicates that the phrase "storing the image sensing conditions" should read -- storing the manually set image sensing conditions -- (claims 4, 7, 14 and 17). The Examiner further indicates that the phrase "the image sensing conditions" should read -- the manually set image sensing conditions -- (claims 5, 8, 9, 10, 11, 15, 20, 21 and 23). The Examiner also indicates that "the program code" of claim 22 should read -- the program code means --.

Claims 4, 5, 7-9, 14, 15, 17 and 23 have been cancelled rendering the objections directed to these claims moot.

Claims 11 and 20-22 have been amended addressing the objections directed to these claims as indicated above.

Applicant respectfully requests that these objections be withdrawn.

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**Rejection under 35 U.S.C. §112**

Claims 2-4, 13 and 14 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite, i.e., insufficient antecedent basis for the limitations in the claims such as "the predetermined image sensing condition" (claim 2), and "said predetermined image sensing condition" (claims 3, 4, 13 and 14).

Claims 2-4, 13 and 14 have been cancelled as indicated above rendering the rejections directed to these claims moot.

**Rejection under 35 U.S.C. §102**

Claims 1-23 have been repeatedly rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,640,619 to Takayama et al. ("Takayama").

The Examiner maintains the position that Takayama discloses each and every element of the pending claims including the determination means/step of independent claims 1, 12 and 22.

Applicant respectfully disagrees with the Examiner's basis of the rejections for at least the reasons as set forth below.

As Applicant explained in the previous amendment filed on December 2, 2004, upon turning on the power, Takayama's camera determines whether a specific lens is used such as a lens normally used by a professional. If it is determined that the specific lens is used, Takayama's camera maintains previous mode which was used prior to the engagement of the power source, i.e., if it had been in a manual mode, the mode is set as manual mode allowing a user to set the area of the primary subject manually, or if it had been in an automatic mode, the mode is set as automatic mode automatically selecting the area of the primary subject. If,

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however, it is determined that the specific lens is not used, Takayama's camera forcibly sets an automatic mode. See, for example, col. 9, lines 22-55 of Takayama.

In contrast, the image sensing apparatus of the present invention determines whether or not a manual mode is selected. If it is determined that the manual mode is selected, instead of allowing a user to input manual settings, the image sensing apparatus of the present invention automatically sets image sensing conditions which were manually set and stored in advance when the image sensing apparatus is turned off. If, on the contrary, it is determined that the manual mode is not selected, the image sensing apparatus of the present invention automatically sets default settings (e.g., machine settings).

Accordingly, Applicant believes that each of independent claims 1, 12 and 22 is neither anticipated by nor rendered obvious in view of Takayama for at least the reasons discussed above.

Nonetheless, claims 1, 12 and 22 have been amended for further clarification. In particular, amended claim 1 recites, *inter alia*, "a selection unit" that selects whether or not to use, when the image sensing apparatus is turned on next time, the image sensing conditions manually set at the time of turning off the image sensing apparatus. Amended claim 1 further recites "a determination unit" that determines when the image sensing apparatus is turned on whether or not the selection unit selects to use the manually set image sensing conditions at the time of turning off the image sensing apparatus. The control unit then automatically read the manually set image sensing conditions when the determination result of the determination unit is affirmative. Other amended independent claims (i.e., claims 12 and 22) recite similar features to amended claim 1 as discussed herein.

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Reconsideration and withdrawal of the rejections of claims 1, 12 and 22 under 35 U.S.C. §102(b) is respectfully requested.

Applicant has not individually addressed the rejections of the dependent claims because Applicant submits that the independent claims from which they respectively depend are in condition for allowance as set forth above. Applicant however reserves the right to address such rejections of the dependent claims should such be necessary.

Applicant believes that the application as amended is in condition for allowance and such action is respectfully requested.

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**AUTHORIZATION**

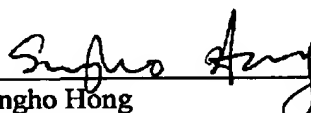
A petition for a one-month extension of time along with an authorization to charge the associated fee to our Deposit Account No. 13-4500 is enclosed, extending the date for responding until September 19, 2005 (as September 18, 2005 falls on Sunday). Should an additional extension of time be required to render this paper timely filed, such extension is hereby petitioned and the Commissioner is authorized to charge any other fees necessitated by this Amendment, or credit any overpayment to our Deposit Account No. 13-4500 (Order No. 1232-4692). A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,  
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Dated: September 16, 2005

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### AUTHORIZATION

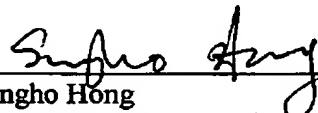
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